

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
vs.	)	Criminal No. 11-122
	)	
RICHARD SCOTT BLACKSTONE,	)	
	)	
Defendant.	)	

O R D E R

BLOCH, District J.

AND NOW, this 25<sup>th</sup> day of February, 2014, upon consideration of Defendant's "Motion to be Released to House Arrest (to serve the Rest of the Remaining Sentence) Immediately upon Completion of R.D.A.P. and Early Release under 18 U.S.C. § 3621(e)(2)(B)" (document No. 435), filed in the above captioned matter on February 21, 2014,

IT IS HEREBY ORDERED that said Motion is DENIED.

The Court lacks authority to entertain defendant's motion because the only entity authorized to grant or deny a request for relief under 18 U.S.C. § 3621(e)(2)(B) is the Bureau of Prisons ("BOP"). Indeed, in 1994 "*Congress authorized the BOP to reduce the sentence of prisoners 'convicted of a nonviolent offense' by up to one year upon successful completion of the program*" in order "to encourage prisoner participation in substance abuse

treatment programs such as the RDAP." Gardner v. Grandolsky, 585 F.3d 786, 789 (3d Cir. 2009) (citing 18 U.S.C. § 3621(e)(2)(B)) (emphasis added).

The language of § 3621(e)(2)(B) provides that "[t]he period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program *may be reduced by the Bureau of Prisons*, but such reduction may not be more than one year from the term the prisoner must otherwise serve. 18 U.S.C. § 3621(e)(2)(B) (emphasis added).

Thus, it is clear from the plain language of the statute that Congress did not empower the sentencing court with the ability to grant or deny a motion for a reduced sentence under § 3621(e)(2)(B). Accordingly, any request for such relief must be addressed to the BOP.

s/ Alan N. Bloch  
United States District Judge

cc: counsel of record

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